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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,188	03/29/2001	Manoj Patil	NC25503	4520

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EXAMINER

NAWAZ, ASAD M

ART UNIT PAPER NUMBER

2155

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,188

Applicant(s)

PATIL, MANOJ

Examiner

Asad M Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-8 are pending.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig.1, 150; Fig. 3, 340; Fig.6, 55, 58a, 58b, 59; Fig 7a, 7030; Fig 7b, 7100, 7110, 7120. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: There are numerous typographical errors regarding figure numerals. For example, in paragraph [0035] the WMLScript libraries has been labeled 933. It is understood

that the applicant intended that numeral to read "233". Similar errors are noticed in paragraph [0038].

Appropriate correction is required.

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Forslow (US Patent No. 6608832).

As to claim 1, Forslow teaches an information control device to provide for the selection of bearer services for sending data over a network comprising: a type indication; a plurality of service parameters indicating the preferred bearer service; and data to be sent by the bearer service indicated by said plurality of service parameters. (Abstract; Fig 4 and 7; col 5, lines 65-67 and col 6, lines 1-

60; col 9, lines 39-67 and col 10, lines 1-39; col 12, lines 35-55; col 14, lines 1-25)

As to claim 2, Forslow teaches an information control device of claim 1, wherein the bearer service is GSM. (col 20, lines 64-67 and col 21, lines 1-15)

As to claim 3, Forslow teaches an information control device of claim 1, where in the bearer service is TDMA. (col 11, lines 1-10, col 21, lines 1-14)

As to claim 5, Forslow teaches a method for selecting a preferred bearer service to transmit data over a network comprising the steps of: retrieving a tagged document with content from a server; searching for bearer services tags which identify a bearer service for which the content is best suited; and sending the content using the bearer service identified by said tags. (Abstract; Fig 4 and 7; col 5, lines 65-67 and col 6, lines 1-60; col 9, lines 39-67 and col 10, lines 1-39; col 12, lines 35-55; col 14, lines 1-25)

As to claim 6, Forlow teaches the method of claim 5, wherein the bearer service is GSM. (col 20, lines 64-67 and col 21, lines 1-15)

As to claim 7, Forslow teaches the method of claim 5, where in the bearer service is TDMA. (col 11, lines 1-10; col 21, lines 1-14)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow (US Patent No. 6608832) and further in view of Anderson et al (US PG PUB 2003/0012217).

As to claims 3 and 7, Forslow teaches the information control device and method of claims 1 and 5, respectively. Furthermore, Forslow teaches the use of GSM, TDMA, and CDMA based system for applications running on a mobile station.

However, with regards to the limitation "wherein the bearer service is WCDMA", Forslow does not explicitly indicate the CDMA based being wideband.

Anderson et al teaches radio access over a radio interface in a UMTS based upon WCDMA, TDMA, and GSM.

It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Anderson et al into those of Forslow to make the system more flexible. The added feature of the wideband version of CDMA, WCDMA, would provide, as is known in the art, "wide bandwidth for multimedia services and other high transmission rate demands as well as robust features like diversity handoff and RAKE receivers to ensure high quality communication service in a frequently changing environment". ~~(0034)~~

See Andersson et al., page 4, col. 1, paragraph no. 0034.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (703) 305-0094. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AMN


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER